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### REMARKS

Claims 1-20 are currently pending in the subject application and are presently under consideration. A clean version of all pending claims is found at pages 2-7. In view of the indefiniteness of the Examiner's Office Action dated April 24, 2003, applicants' representative respectfully requests withdrawal of the rejections or a new non-final office action clearly stating the rejections and the bases of the rejections.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

#### **1. Rejection of Claims 1-20 Under 35 U.S.C. §112**

Claims 1-20 stand rejected under 35 U.S.C. §112 as being drawn to vague expressions or desired results. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. The subject application is not drawn to vague expressions or desired results. Moreover, the Examiner has not fully and clearly stated the grounds of rejection and has not identified wherein indefiniteness resides.

Where a claim is refused for any reason relating to the merits thereof it *should be "rejected" and the ground of rejection fully and clearly stated* .... The examiner should designate the statutory basis for any ground of rejection by express reference to a section of 35 U.S.C. in the opening sentence of each ground of rejection. *If the claim is rejected ... as indefinite the examiner should point out wherein the indefiniteness resides*; or if rejected as incomplete, the element or elements lacking should be specified, or the applicant be otherwise advised as to what the claim requires to render it complete. (See MPEP §707.07(d)).

Applicants' representative believes that claims 1-20, viewed in light of the specification, teachings of the prior art and the claim interpretation of one possessing ordinary skill in the art at the time of the invention, are neither drawn to vague expressions nor to desired results. Moreover, it is respectfully submitted that the Examiner has failed to *fully and clearly* state the grounds of the rejection under 35 U.S.C. §112. In the Office Action dated April 24, 2003, the Examiner did not specify

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whether the rejection was based on the first and/or second paragraph of 35 U.S.C. §112. Additionally, the Examiner merely states "[t]he disclosure, like the claims point out the invention. A disclosure in which the lexicography is unclear. Vague, convoluted or incomplete does not comply with the statute. A disclosure which merely discusses prior art concepts without really setting a forth on independently arrived at enabling disclosure does not comply. Claims based on a disclosure as above or are vague, incomplete or merely expressions or desired results do not comply with the statute." Such statements *do not fully and clearly state the grounds of rejection*. (See Office Action, pg. 2). Accordingly, withdrawal of this rejection is respectfully requested.

Furthermore, the Examiner has failed to point out *wherein the indefiniteness resides*. If a claim is rejected as indefinite, the Examiner should specify the indefiniteness. In the Office Action dated April 24, 2003, the Examiner merely stated "[c]laims 1-20 are rejected under 35 U.S.C. §112 as being drawn to vague expressions or desired results. Read each claim term by term on the drawings." (See Office Action, pg. 4). The term "vague" is synonymous with the term "indefinite;" thus, the Examiner has *failed* to point out *wherein the indefiniteness resides*, since only a blanket statement has been provided. Accordingly, this rejection should be withdrawn.

## II. Rejection of Claims 1-20 Under 35 U.S.C. §102(b) and §103(a)

Claims 1-20 stand rejected under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) as essentially taught by the patents cited with the Office Action dated April 24, 2003 and in the IDS. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. The cited patents, alone and/or in combination, do not disclose, teach or suggest the claimed invention. Moreover, the Examiner has failed to designate the particular part of the prior art references relied upon for the rejection.

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, *the particular part relied on must be designated as nearly as practicable*. The pertinence of each reference,